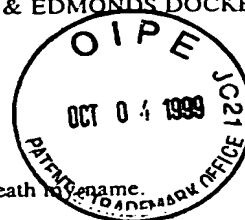


DECLARATION
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

A METHOD OF GENERATING A PLURALITY OF CHEMICAL COMPOUNDS IN A SPATIALLY ARRANGED ARRAY

the specification of which:

☒ is attached hereto

☒ was filed in the United States on January 20, 1995 as Application Serial No. 08/375,838
with a Preliminary Amendment filed on January 20, 1995. (if applicable)

☐ was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION | | | |
|--|---------|--------------------------------------|--|
| APPLICATION NUMBER | COUNTRY | DATE OF FILING (day, month, year) | PRIORITY CLAIMED UNDER 35 U.S.C. 119/172 |
| | | | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION SERIAL NO. | FILING DATE | STATUS | | |
|------------------------|-------------|----------|---------|-----------|
| | | PATENTED | PENDING | ABANDONED |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), and Marcia H. Sundeen (Reg. No. 30893), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

| SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711 | | | DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090 | | |
|--|-------------------------|--|--|-----------------------------------|-------------------|
| 2 0 1 | FULL NAME OF INVENTOR | LAST NAME Zambias | FIRST NAME Robert | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Lexington | STATE OR FOREIGN COUNTRY Massachusetts | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 1308 Massachusetts Avenue | CITY Lexington | STATE OR COUNTRY Massachusetts | ZIP CODE 02173 |
| 2 0 2 | FULL NAME OF INVENTOR | LAST NAME Bolten | FIRST NAME David | MIDDLE NAME A. | |
| | RESIDENCE & CITIZENSHIP | CITY Tinton Falls | STATE OR FOREIGN COUNTRY New Jersey | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 146 Hope Road | CITY Tinton Falls | STATE OR COUNTRY New Jersey | ZIP CODE 07724 |
| 2 0 3 | FULL NAME OF INVENTOR | LAST NAME Hogan | FIRST NAME Joseph | MIDDLE NAME C. | |
| | RESIDENCE & CITIZENSHIP | CITY Belmont | STATE OR FOREIGN COUNTRY Massachusetts | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 50 Oak Avenue | CITY Belmont | STATE OR COUNTRY Massachusetts | ZIP CODE 02178 |
| 2 0 4 | FULL NAME OF INVENTOR | LAST NAME Furth | FIRST NAME Paul | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Waltham | STATE OR FOREIGN COUNTRY Massachusetts | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 310 College Farm Road, Apt. 13 | CITY Waltham | STATE OR COUNTRY Massachusetts | ZIP CODE 01749 |
| 2 0 5 | FULL NAME OF INVENTOR | LAST NAME Casehler | FIRST NAME David | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Hudson | STATE OR FOREIGN COUNTRY Massachusetts | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 45 Priest Street | CITY Hudson | STATE OR COUNTRY Massachusetts | ZIP CODE 01749 |
| 2 0 6 | FULL NAME OF INVENTOR | LAST NAME Tu | FIRST NAME Cheng | MIDDLE NAME | |
| | RESIDENCE & CITIZENSHIP | CITY Cambridge | STATE OR FOREIGN COUNTRY Massachusetts | COUNTRY OF CITIZENSHIP U.S.A. | |
| | POST OFFICE ADDRESS | STREET 305 Memorial Drive | CITY Cambridge | STATE OR COUNTRY Massachusetts | ZIP CODE 02139 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|---|---|---|
| SIGNATURE OF INVENTOR 201 <i>Robert A. Zambias</i> | SIGNATURE OF INVENTOR 202 <i>David A. Bolten</i> | SIGNATURE OF INVENTOR 203 <i>Joseph C. Hogan</i> |
| DATE 3/20/95 | DATE 3/28/95 | DATE 03-20-95 |
| SIGNATURE OF INVENTOR 204 | SIGNATURE OF INVENTOR 205 <i>Paul Furth</i> | SIGNATURE OF INVENTOR 206 <i>David Casehler</i> |
| DATE | DATE 3/20/95 | DATE 3/20/95 |

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

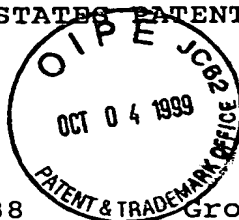
R. Zambias et al.

Serial No.: 08/375,838 Group Art Unit: To be assigned

Filed: January 10, 1995

Examiner: To be assigned

For: A METHOD OF GENERATING A
PLURALITY OF CHEMICAL Attorney Docket No.: 5925-022
COMPOUNDS IN A SPATIALLY
ARRANGED ARRAY



DECLARATION IN SUPPORT OF FILING ON
BEHALF OF OMITTED INVENTOR UNDER 37 C.F.R. §1.47(a)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Allan A. Fanucci, a representative of the Applicants and appointed Power of Attorney by the Declaration and Power of Attorney filed concurrently with this Declaration in the above-identified application, hereby declare that:

1. This declaration is made as to the facts which are relied upon to establish the diligent efforts made to secure the execution of the Declaration and Power of Attorney by inventor Paul Furth, for the above-identified application both before and after deposit thereof in the United States Patent and Trademark Office.

2. This declaration is being made on facts of which I have first hand knowledge.

3. Paul Furth is one of the named inventors of the above-identified application.

4. The last known address of Paul Furth is 59 Bowdoin Street, Medford, Massachusetts, 02155.

5. By me or under my direction and control, several *bona fide* attempts were made to present a copy of the application papers for the above-identified invention (a specification including the claims, Declaration and Power of Attorney, and assignment) to Mr. Furth for his signature.

6. On March 28, 1995, a letter addressed to Paul Furth, 310 College Farm Road, Apt. 13, Waltham, Massachusetts 01749, transmitting a Declaration and Power of Attorney, as well as an Assignment was forwarded via Federal Express to Mr. Furth (Attached as Exhibit A). The March 28 letter references earlier occasions where Mr. Furth was provided with copies of the application papers and again requests that Mr. Furth review and execute these documents.

7. In response to the March 28th letter, I telephoned Mr. Furth and was informed that he had moved to a new address. Upon my request, Mr. Furth visited ArQule's offices on or about April 12, 1995 and retrieved copies of the application papers for this case.

8. On April 13, 1995, after Mr. Furth retrieved the application papers, I telephoned him to discuss execution of the documents. I was informed that he would return the executed documents by April 28, 1995. The executed documents were not returned by that date.

9. In a subsequent telephone conference on or about May 15, 1995, I was informed that Mr. Furth changed his mind and would not sign the Declaration and Power of Attorney nor the Assignment. I was not informed as to the reason why Mr. Furth now refused to execute the application papers. I was further informed that any additional inquiries regarding this subject should be made through Mr. Furth's attorney.

10. Based on the foregoing, I have concluded that Mr. Furth's conduct constitutes a refusal to execute the Declaration and Power of Attorney, as well as the Assignment

for the above-identified application, which were provided to him and which resulted from his work in the employ of the assignee, ArQule, Inc.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 5/30/95

Allan A. Fanucci 30,256
Allan A. Fanucci (Reg. No.)

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